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May 31, 1994

AUG 2 1994

The Honorable Robert B. Reich  
Secretary of Labor  
The Docket Office  
Docket Number H-122  
Room N-2625  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

Dear Mr. Secretary:

I am writing to comment on proposed OSHA regulations regarding workplace smoking. These regulations appeared in Occupational Safety and Health Administration and the Federal Register on April 5, 1994. I am writing to oppose these regulations as an unnecessary burden and expense upon all of Arizona's businesses without provable and measurable benefits.

It is clear that American businesses feel that government regulations already make it difficult to conduct business, to make a profit, to expand and to hire employees. The proposed regulations make bad matters even worse by wiping out a portion of a business's customer base or employment base or by requiring a business to build expensive physical modifications in order to continue doing business. The most troubling part of this whole exercise is that these drastic regulations are being promoted without any significant evidence that quantifies negative impacts from varying levels of environmental tobacco smoke.

I have served in the Arizona legislature the past two years. Prior to that time, I served for an extended period of time on the research staff of the Arizona House of Representatives. Prior to that I served in the United States Air Force and was Base Commander at Luke AFB in Arizona. I have dealt with the subject of smoking in nearly all these capacities. I believe in most cases normal mature human conduct takes care of any unwanted smoking contact. In service clubs, in work settings, in restaurants, bars, and in the Arizona legislature, accommodations have been made for smokers and nonsmokers alike. It seems to work, and it has an element of essential fairness to it as well. However, the proposed OSHA regulations is the "meat ax" approach and eliminates any type of limited smoking area unless very costly modifications are made.

The Honorable Robert B. Reich  
Secretary of Labor

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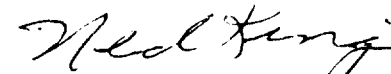
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While necessary modifications may be acceptable in places like medical facilities, airport terminals, etc. it appears unfair to places of "choice," such as bars, restaurants, etc. No one forces individuals to work or patronize these establishments. Many of these establishments have customer bases over which the establishment has no control on the subject of smoking; some places attract smokers and other places do not. The regulations would be very unfairly directed toward those establishments with customer bases with high percentages of smokers.

Finally, I want to comment on the particular tourist mix in Arizona. Arizona contains many destination resorts for individuals coming from throughout the United States and the world. An increasing percentage comes from foreign tourists and includes people from Europe, Japan and South America. A high percentage of these individuals smoke. I believe your regulations are counter productive to developing more employment in industry in the United States.

In summary, I strongly oppose your proposed ETS workplace regulations.

Respectfully,



REPRESENTATIVE NED KING  
Arizona House of Representatives  
District 15

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